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Attorney for Defendant **IGNACIO FLORES GARCIA**

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUAN CARLOS MACIAS-CHAVEZ,
aka Juan Carlos Munguia
JOSE ROSALLES,
aka Don Pancho,
IGNACIO FLORES GARCIA,

Defendants.

Case No.: 2:09-cr-00302-GMN-PAL

**MOTION TO EXTEND SURRENDER
DATE, PERMIT TRAVEL OUTSIDE THE
JURISDICTION AND TEMPORARILY
PROVIDE DEFENDANT WITH HIS
PASSPORT**

Defendant IGNACIO FLORES-GARCIA by and through his attorney, Gary L. Myers, Esq., hereby presents the following Motion to Extend Surrender Date, Permit Travel Outside the Jurisdiction and Temporarily Provide Defendant With His Passport. This Motion is made and based upon the accompanying memorandum of points and authorities, the pleadings and papers on file herein and such argument and evidence as may be presented at the hearing on this Motion, should any occur.

Dated: July 14, 2011

LAW OFFICE OF GARY L. MYERS

By: //s//

GARY L. MYERS, ESQ., #3120
7251 W. Lake Mead Blvd., Suite 300
Las Vegas, Nevada 89128-8359
Attorney for Defendant
IGNACIO FLORES GARCIA

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MEMORANDUM OF POINTS AND AUTHORITIES

Defendant IGNACIO FLORES-GARCIA was sentenced by this Court on June 23, 2011 to 48 months' incarceration with a surrender date of September 26, 2011. The primary purpose of this motion is to allow Mr. Flores-Garcia to travel to Mexico, specifically to the United States Consulate in Juarez, as part of obtaining an immigrant visa for his son, Ruben German Garcia Castaneda. Ruben is 19½ years old and is Ignacio's son with his first wife, who resides in Mexico. Ignacio has begun the process of obtaining an immigrant visa for Ruben, having submitted the necessary forms and very recently paying a \$400 fee to the National Visa Center. (See Exhibit A.) The next step in this process is for Ignacio (if permitted by the Court) along with Ruben to present at the United States Consulate in Juarez for an immigrant visa interview. This interview has not yet been scheduled but based upon past experience, Mr. Flores-Garcia expects that he will be notified within about six weeks when that interview will occur. To the best of the undersigned's knowledge, Mr. Flores-Garcia is the only person that can perform this task (attending the interview) with Ruben, since he is both Ruben's father and a United States citizen. Furthermore, there is a relatively limited amount of time within which to perform this task since all necessary steps must be completed before Ruben turns 21. The undersigned's understanding further is that once Ruben turns 21 the opportunity to obtain an immigrant visa with his father's assistance or sponsorship will be lost or greatly delayed. Therefore, this task must be accomplished before Ignacio's surrender date or the opportunity will be lost. The plan or arrangement that has been discussed with Ruben is that if he obtains his immigrant visa he will come to Las Vegas and live with Ignacio's wife and daughter while Ignacio's is incarcerated and assist the family and provide financial support during his (Ignacio's) incarceration. This may well make what could be a very difficult financial situation for the family (during Ignacio's incarceration) much easier.

1 As the Court may recall, Ignacio undertook a trip to Juarez (permitted by
2 Stipulation and Order, document 96) in September of 2010 with his adopted
3 daughter, Stephanie Carrillo-Sanchez, for her immigrant visa interview. Mr.
4 Flores-Garcia and Ruben may be able to complete the visa interview process prior
5 to the surrender date, but respectfully requests a 60-day extension on his
6 surrender date in order to be sure there is ample time. The \$400 payment must
7 be processed by the National Visa Center, and thereafter it will notify Ignacio by
8 mail concerning the time frame for presenting at the U.S. Consulate. As noted
9 above, based upon his past experience (with his daughter), Ignacio estimates that
10 it will be about six weeks until he hears from the National Visa Center re the
11 scheduling of the interview.

12 Incidentally, Mr. Flores-Garcia forgot to discuss the matter which is the
13 subject of this motion with the undersigned prior to his sentencing, or this matter
14 would have been addressed with the Court at the sentencing hearing.

15 Finally, Mr. Flores-Garcia respectfully requests that Pretrial Services
16 temporarily provide him with his passport to permit this travel to and from
17 Mexico. Ignacio will promptly surrender the passport to Pretrial Services after his
18 return to the jurisdiction and also will comply with any conditions that Pretrial
19 Services or the Court may see fit to impose during his trip.

20 Dated: July 14, 2011

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23 By: //s//
24 GARY L. MYERS, ESQ., #3120
25 7251 W. Lake Mead Blvd., Suite 300
26 Las Vegas, Nevada 89128-8359
27 Attorney for Defendant
28 **IGNACIO FLORES GARCIA**



United States Department of State
National Visa Center
31 Rochester Ave., Suite 200
Portsmouth, NH 03801-2915

IGNACIO GARCIA
2417 SHADY HILL AVENUE
LAS VEGAS, NV 89106



CHECKLIST

June 10, 2011

NVC Case Number: CDJ2005798477

Dear IGNACIO GARCIA:

We have reviewed the documents which you submitted in support of an application for an immigrant visa. Please review the information listed under each applicant's name and provide any documents which are indicated as missing or need additional information. You must submit the required information. Failure to provide the requested information will delay your immigrant visa interview.

Please read the enclosed information to determine where to send all required copies of missing documents. If you have any questions regarding this letter, please call the National Visa Center at (603) 334-0700 between the hours of 7:30am and midnight ET.

Please include a copy of this letter with your correspondence and write your case number clearly (exactly as it appears below) on the upper right-hand corner of **all** documents.

From the date you mail or transmit the requested information, please allow 20 business days for NVC to review this documentation/your mail. When we complete our review, the NVC will notify you/petitioner/beneficiary/attorney with information regarding the next processing step.

If a period of one year passes without contacting the NVC (by e-mail, telephone, or mail), all submitted fees and documents will expire. Upon expiration, the fees and documents would need to be resubmitted in order to continue the immigration process.

Case Number:	CDJ2005798477
Beneficiary's Name:	GARCIA CASTANEDA, RUBEN GERMAN
Preference Category:	IR2 - CHILD OF U.S. CITIZEN
Priority Date:	26APR2001